

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/19/2014
-----------------------------------------------------------------------------------

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UPT POOL LTD.,

Plaintiff,

-against-

DYNAMIC OIL TRADING (SINGAPORE) PTE. :  
LTD., O.W. BUNKER USA INC., O.W. BUNKER :  
NORTH AMERICA INC., O.W. BUNKER :  
HOLDING NORTH AMERICA INC., HARLEY :  
MARINE SERVICES, INC., ING BANK N.V., :

Defendants:.

-----X  
BIRCH SHIPPING LTD.,

Plaintiff,

-against-

O.W. BUNKER CHINA LTD. (HK), O.W. :  
BUNKER USA INC., O.W. BUNKER NORTH :  
AMERICA INC., O.W. BUNKER HOLDING :  
NORTH AMERICA INC., O.W. BUNKER & :  
TRADING A/S, CHEMOIL LATIN AMERICA, :  
INC., ING BANK N.V., :

Defendants:

-----X  
CLEARLAKE SHIPPING PTE LTD.,

Plaintiffs,

-against-

O.W. BUNKER (SWITZERLAND) SA, O.W. :  
BUNKER USA INC., O.W. BUNKER NORTH :  
AMERICA INC., O.W. BUNKER HOLDING :  
NORTH AMERICA INC., WESTOIL MARINE :  
SERVICES, INC., ING BANK N.V. :

Defendants:

ORDER

14-CV-9262 (VEC)

14-CV-9282 (VEC)

14-CV-9286 (VEC)

-----X

-----X		
CLEARLAKE SHIPPING PTE LTD,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	14-CV-9287 (VEC)
	:	
O.W. BUNKER (SWITZERLAND) SA, O.W.	:	
BUNKER USA INC., O.W. BUNKER NORTH	:	
AMERICA INC., O.W. BUNKER HOLDING	:	
NORTH AMERICA INC., NUSTAR ENERGY	:	
SERVICES INC., ING BANK N.V.,	:	
	:	
Defendants:	:	
-----X		
BONNY GAS TRANSPORT LIMITED, as owner	:	
of the LNG FINIMA (IMO No. 7702401),	:	
	:	
Plaintiff,	:	
	:	14-CV-9542 (VEC)
-against-	:	
	:	
O.W. BUNKER GERMANY GMBH, NUSTAR	:	
TERMINALS MARINE SERVICES N.V.,	:	
NUSTAR ENERGY SERVICES, INC., ING	:	
BANK N.V.	:	
	:	
Defendants:	:	
-----X		
MT CAPE BIRD TANKSCHIFFAHRTS GMBH	:	
& CO. KG, individually and on behalf of M/T	:	
CAPE BIRD (IMO No. 9260067)	:	
	:	
Plaintiff,	:	14-CV-9646 (VEC)
	:	
-against-	:	
	:	
O.W. USA INC., O.W. NORTH AMERICA INC.,	:	
HARLEY MARINE SERVICES, INC., ING	:	
BANK N.V.,	:	
	:	
Defendants:	:	
-----X		

-----X	
SHV GAS SUPPLY & RISK MANAGEMENT	:
SAS AND EXMAR SHIPPING BVBA,	:
as owner of the WAREGEM (IMO No. 9659127)	:
	:
Plaintiffs,	:
	:
-against-	:
	:
OW BUNKER USA, INC., OW BUNKER	:
HOLDING NORTH AMERICA INC., OW	:
BUNKER NORTH AMERICA INC., NUSTAR	:
ENERGY SERVICES, INC., ING BANK NV,	:
	:
Defendants.	:
-----X	
HAPAG-LLOYD AKTIENGESELLSCHAFT	:
	:
Plaintiff,	:
	:
-against-	:
	:
U.S. OIL TRADING L.L.C., O.W. BUNKER	:
GERMANY GMBH, O.W. BUNKER &	:
TRADING A/S, ING BANK N.V. AND CREDIT	:
AGRICOLE S.A.	:
	:
Defendants.	:
-----X	
OSG SHIP MANAGEMENT, INC., and 1372	:
TANKER CORPORATION as owner of the M/V	:
OVERSEAS MULAN (IMO NO. 9230880),	:
	:
Plaintiffs,	:
	:
-against-	:
	:
O.W. BUNKER USA INC., OW BUNKER	:
MIDDLE EAST DMCC, CHEMOIL	:
CORPORATION, CHEMOIL MIDDLE EAST	:
DMCC, GPS CHEMOIL LLC FZC, and ING	:
BANK NV,	:
	:
Defendants.	:
-----X	

14-CV-9720 (VEC)

14-CV-9949 (VEC)

14-CV-9973 (VEC)

VALERIE CAPRONI, United States District Judge:

WHEREAS, the above-captioned cases have been assigned or transferred to this Court as cases that are related to *UPT Pool Ltd. v. Dynamic Oil Trading (Singapore) Pte. Ltd. et al.* (14-cv-9262); and,

WHEREAS, pursuant to the Court's Order of December 11, 2014, counsel for many of the parties in the above-captioned cases appeared before the Court for a joint conference on December 18, 2014, without waiving any objections they might have to this court's jurisdiction and venue, it is hereby ORDERED:


1. By January 16, 2015, counsel for parties in the above-captioned cases are ordered to submit briefs showing cause why these cases should not all be transferred to, and adjudicated by, the United States District Court for the District of Connecticut upon a motion to withdraw the reference in the bankruptcy proceedings currently pending before Judge Shiff in the United States Bankruptcy Court District of Connecticut (the "Bankruptcy Court") (Bankr. Pet. No. 14-51720). Each law firm shall be permitted to file one brief of, at most, 20 pages. Joint briefs submitted on behalf of two or more firms are encouraged; joint briefs shall be limited to no more than 25 pages. Counsel shall file their briefs electronically in each case in which they appear.
2. Counsel for parties in *SHV Gas Supply & Risk Management SAS et al v. O.W. Bunker USA, Inc. et al.* (14-9720), *Hapag-Lloyd Aktiengesellschaft v. U.S. Oil Trading L.L.C. et al.* (14-cv-9949), and any other case presenting the factual scenario described in this paragraph shall additionally be required to submit briefs on the following question: whether it is proper for the Court to permit Plaintiff vessel owners or charterers to initiate interpleader actions with injunctive relief under circumstances where the vessel at issue has not yet arrived, and is not scheduled to imminently arrive, at a port in this District.

Briefs shall be limited to 10 pages and should be submitted jointly; that is, counsel for Defendants-Claimants shall one joint brief and counsel for Plaintiffs shall submit one separate joint brief. Counsel shall file a joint letter with the Court no later than December 23, 2014, proposing a briefing schedule that is mutually agreeable to the relevant parties.

3. No defenses will be waived by virtue of filing briefs as directed in this Order.
4. Shortly after the hearing in the Bankruptcy Court scheduled for January 6, 2015 regarding Plaintiff Clearlake Shipping Pte Ltd.'s motion regarding the automatic stay, counsel from Holland and Knight shall file a letter updating the Court as to the outcome of that hearing. The letter shall be filed on ECF in 14-CV-9287.
5. Counsel for parties who have submitted pleadings, motions or other filings with the Court are reminded that they must electronically file all such materials on the appropriate dockets via ECF.
6. Counsel for each Plaintiff shall be responsible for distributing copies of this Order to all Defendants named in their respective case.

**SO ORDERED.**

**Date: December 19, 2014**  
**New York, New York**

  
**VALERIE CAPRONI**  
**United States District Judge**